

Good approaches for official investigations in Third Countries

AFI CONFERENCE – 27 & 28 MAY 2025

A SYSTEMATIC APPROACH FOR OFFICIAL INVESTIGATIONS

Official investigations for Third country CBs

- Relevant references:
 - Art. 29 of Regulation (EU) 2018/848
 - Art. 2 of Implementing Regulation (EU) 2021/279
 - Art. 22 of Delegated Regulation (EU) 2021/1698
- Information Exchange Commission, MS and TC CBs through OFIS
 - Official investigation in response to notification using Annex III of Reg. (EU) 2021/1698
- Accreditation Bodies (ABs) not involved in Official investigations
- IOAS reviews a sample of Official investigations at CB assessments
- IOAS will assess adequacy of Official investigation and raise NCs



Official investigations for Third country CBs

➤ Non-conformities raised by IOAS are related to:

- Timeliness
- Records of the investigation
- **CB's personnel training/knowledge**
 - Inadequate understanding of the active substance
 - Inadequate investigation methods/procedures followed

Example of an Official investigation

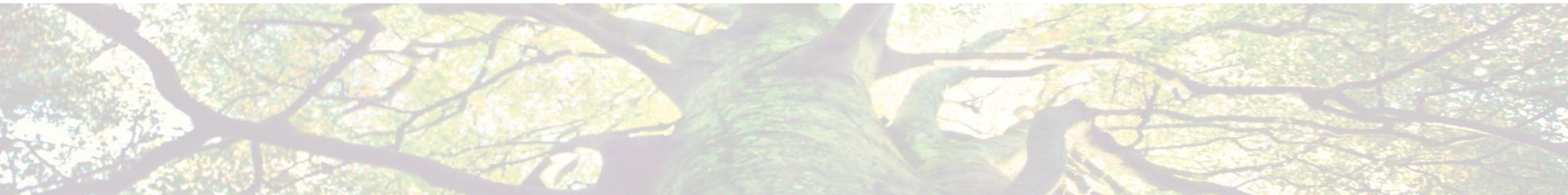
- **NOTIFICATION RECEIVED BY Third Country (TC) CB on March 5th, 2025**
 - **December 21st, 2024** – Three batches of apple juice concentrate drums, delivered from TC to Austrian importer
 - **January 31st, 2025** – The apple juice concentrate is delivered to processor in Germany without manipulation
 - **February 8th, 2025** – Positive test results from samples taken by processor/wholesaler in Germany on received concentrate (0.02 mg/kg insecticide)
 - **February 12th, 2025** – Austrian importer is informed of the positive result
 - **March 5th, 2025** – CB of the exporter in the TC receives an OFIS Notification

Example of an Official investigation Cont.

➤ **DECIDING ON INVESTIGATION METHODS/PROCEDURES**

Before deciding on any additional controls (WHAT and HOW),
CB's investigation starts with the consideration of all information already available

- **Test result reports are clear and include enough information**
- **Study/understanding of active substance detected**
 - Active substance could be applicable to the certified product
 - Active substance could be used in the field and/or storage/transport
 - Active substance has long persistence in soil but very short in fruit





Example of an Official investigation Cont.

➤ DECIDING ON INVESTIGATION METHODS/PROCEDURES

- **Producer records on previous controls**

(unannounced inspection July, 2024, regular annual inspection Aug-Sept 2024,)

- Records of inputs used – only permitted inputs
- Records of neighboring fields – no conventional fields bordering organic apple tree fields
- Storage records – no storage, direct transport to processor
- Transport records – adequate cleaning records
- Mass balance – satisfactory
- Records of field samples – tested negative for the specific substance
- No irregularities/infringements in the past 3 years

Example of an Official investigation Cont.



➤ DECIDING ON INVESTIGATION METHODS/PROCEDURES

- **Processor records on previous controls**

(annual inspection Sept. 2024, unannounced inspection Dec. 2024)

- Records of adequate pest control measures available
- Records of adequate equipment cleaning procedures available
- Records of storage of apples – Dedicated organic storage
- Records of storage of processed product - Dedicated organic storage of sealed drums
- Records on sampling of the 3 exported batches – tested negative for the specific substance
- Records on traceability and mass balance of the exported batches – Satisfactory
- No irregularities/infringements in the past 3 years

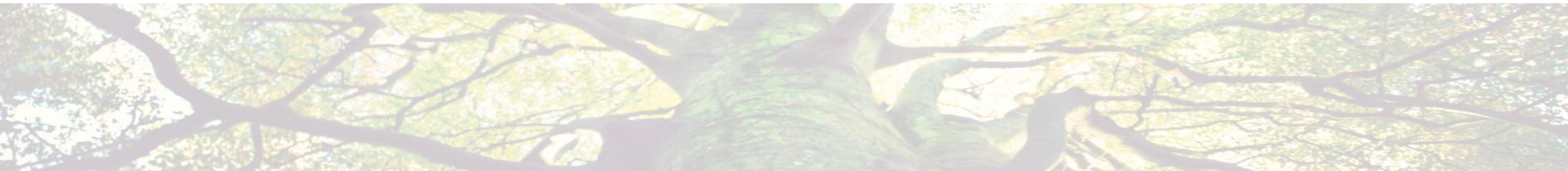
Example of an Official investigation Cont.



➤ **ADDITIONAL CONTROLS**

Based on the analysis of the available information, the CB decides on the following additional control activities:

- **Testing the counter sample of the 3 exported batches**
 - Test results of the counter sample - NEGATIVE
- **Soil samples of the apple tree fields where the exported batches originated**
 - Test results - NEGATIVE
- **Review of pest control measures used in storage of conventional products**
 - Subcontracted pest control company provided records and confirmed compliance.
Active substance detected is not contained in the pesticides used.



Example of an Official investigation Cont.



➤ CONCLUSIONS OF THE INVESTIGATION

- **Considering all possible sources:**

- **Intentional use on farm – EXCLUDED** based on inspection records
- **Contamination by drift – EXCLUDED** based on inspection records
- **Commingling – EXCLUDED** based on inspection records
- **Environmental contamination – POTENTIAL source**
 - ❖ Due to the long persistence of the active substance in soil
 - ❖ Apples are often harvested from the ground

- **Considering all causes:**

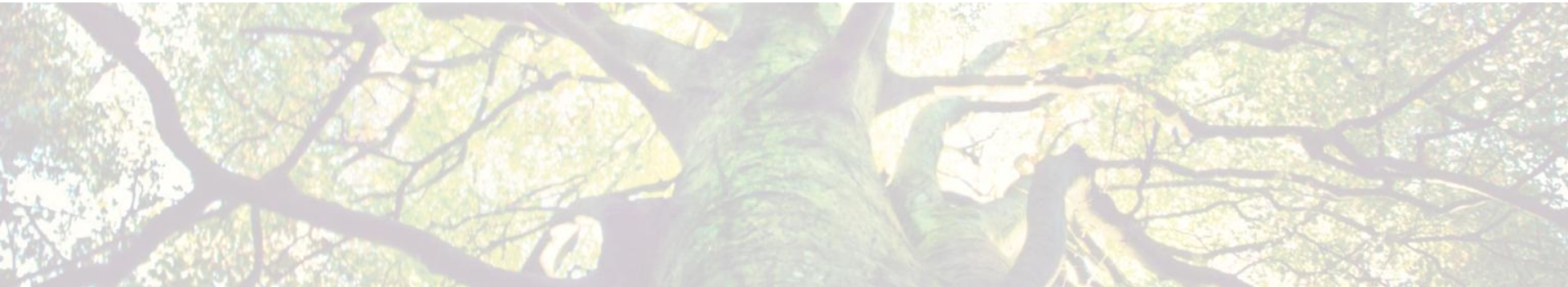
- **External factors – POTENTIAL cause**
- **Insufficient precautionary measures – EXCLUDED** based on inspection records
- **Lack of knowledge** – farmers did not have information about previous conventional practices

Example of an Official investigation Cont.



➤ CONCLUSIONS OF THE INVESTIGATION – April 1st, 2025

- **Farmers were considered compliant**
- **Processor/exporter was considered compliant**
- **Further measures to be taken by the Third country CB:**
 - TC CB will continue taking samples at farm and processor level
 - Each exported lot will be analysed



Thank you very much
for your attention!